

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISON

| | | |
|------------------------------------|---|-----------------------|
| DISCOVERY PLUMBING SOLUTIONS, INC. |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 4:24-cv-2261 |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

UNITED STATES' ANSWER TO COMPLAINT

The United States responds as follows to the allegations contained in Plaintiff's Complaint using the same headings as the Complaint but without admitting any allegations contained in any heading.

JURISDICTION, VENUE, AND PARTIES

1-3. The United States admits the allegations contained in paragraphs 1-3 of the Complaint.

4. The United States denies the allegations contained in paragraph 4 of the Complaint.

NATURE OF THE FEDERAL TAX ISSUE AND ACTION

5-8. Paragraphs 5-8 contain statements of law that do not require a response; however, to the extent they require a response, the United States denies that they are a full and complete statement of the law.

9-17. The CARES Act speaks for itself. The United States denies that paragraphs 9 through 17 are complete and accurate statements of the law.

18-19. Paragraphs 18-19 contain statements of law that do not require a response; however, to the extent they require a response, the United States denies that they are a full and complete statement of the law.

20-22. Paragraphs 20-22 contain statements of law that do not require a response; however, to the extent it requires a response, the United States denies that it is a full and complete statement of the law.

PLAINTIFF BACKGROUND AND FACTUAL ASSUMPTION

23-27. The United States is presently without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraphs 23-27.

28. The United States admits that plaintiff filed amended quarterly federal employment tax returns on July 13, 2023, claiming ERC tax credits for the first, second and third quarters of 2021.

29. The United States admits that no refund, notice of audit, examination, disallowance, or deficiency has been issued to Plaintiff and denies all other allegations contained in paragraph 29 of the Complaint.

30. The United States is presently without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 30.

31. The United States avers that plaintiff's transcripts of account speak for themselves and is presently without sufficient knowledge or information to form a belief as to the truth of the other allegations in paragraph 31.

CAUSE OF ACTION

32. Paragraph 32 contains statements of law that do not require a response; however, to the extent it requires a response, the United States denies that it is a full and complete statement of the law.

33. The United States admits the allegations contained in paragraph 33 of the Complaint.

34. The United States admits that no refund or notice of disallowance has been issued to Plaintiff and denies all other allegations contained in paragraph 34 of the Complaint

35. The United States admits it has been longer than six months since Plaintiff filed its refund claims for the periods in issue but is presently without sufficient knowledge or information to form a belief as to the truth of the other allegations in paragraph 35.

36. The United States is presently without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 36.

37. The United States denies the allegations contained in paragraph 37 of the Complaint.

All other allegations not expressly admitted are denied.

THEREFORE, the United States asks that the Court dismiss the Complaint, deny the relief requested, and grant all further relief to which the United States may be entitled.

DAVID A. HUBBERT

Deputy Assistant Attorney General

MICHELLE C. JOHNS

/s/ Michelle C. Johns

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ATTORNEYS FOR UNITED STATES

CERTIFICATE OF SERVICE

I certify that on the 27th day of August, 2024, a true and correct copy of the foregoing was filed with the Court's CM/ECF system, which sent notice of the filing to the attorneys of record.

/s/ Michelle C. Johns
MICHELLE C. JOHNS